

## ANNEX CC

### DEBRIS REMOVAL (without a federal declaration)

#### A. PURPOSE

A natural or man-made disaster could strike the state at any time and create debris that could pose a threat to life and cause damage to property. This annex describes the procedures for effecting the removal of disaster-caused debris from public and private lands or waters in the public interest in the absence of a Presidential disaster declaration. The federal debris clearance assistance that may be authorized following a Presidential declaration of disaster or emergency is discussed in Annexes IIII and FFFF.

#### B. CONCEPT OF OPERATIONS

1. Local governments have primary responsibility for debris removal. Agreements and plans need to be developed to prepare for emergency debris removal. Equipment, manpower and supplies need to be staged, conditions permitting, to reduce response time when the emergency/disaster occurs. This includes the political subdivisions own resources, resources available under agreements, and resources available under contract.
2. If the situation warrants, the County Emergency Services Director will request assistance through the West Virginia Office of Emergency Services (WVOES) when local resources are inadequate or funds are unavailable to contract to cope with a debris removal problem.
3. If local capabilities or funds are not available, the governor may choose to make disaster funds available to allow local governments to contract to have disaster-caused debris removed from private property. In such cases, local governments will be responsible for the entire removal operation, including but not limited to the contracting of personnel and equipment to pickup and haul debris to an approved landfill.
4. WVOES will assist with the identification of landfills approved to accept disaster-related debris. The WVOES will also obtain through the WVDEP a waiver of the “tipping fees” on such operations.
5. Local governments will contract for and be billed for the pickup and dumping of debris only at approved landfills. Local governments will request in writing that the state reimburse them for such eligible expenses.

6. The WVOES monitors county debris removal actions and coordinates state assistance when county resources are unable to cope with the debris removal problem.
7. The Division of Highways will normally be assigned responsibility for debris removal in a non-federally declared emergency situation.
  - a. The clearing and opening to traffic of major highways will receive the greatest emphasis by the Division of Highways during an emergency unless otherwise directed by the Governor.
  - b. The Division of Highways second priority will be the debris clean up of on-system secondary highways and roads.
  - c. Debris removal on other state property will be performed following "a" and "b" above.
  - d. Only when authorized by the governor (or his/her designee), will the Division of Highways conduct debris removal procedures on private roads and/or property. In cases of serious threat to life or property such procedures will take precedence over "a", "b" and "c" above.
  - e. If local or state governments go on private property they must first obtain easement/right-of-ways from each property owner whose land/property will/could be affected.
5. Support responsibilities for debris removal lie with the following State agencies or departments;
  - a. Adjutant General's Department (National Guard)
  - b. Parkways, Economic Development and Tourism Authority
  - c. Division of Environmental Protection
  - d. Department of Health and Human Resources
  - e. Division of Natural Resources (Public Land Corporation)
  - f. Department of Agriculture (WVSCA)
  - g. State Fire Marshal's Office
  - h. WV State Police

6. Records of manpower, equipment and financial resources utilized need to be kept by local governments and all State agencies/departments involved in debris removal.
7. When debris removal work is required on state property for which the West Virginia Public Land Corporation (PLC) is responsible, the PLC will be advised as soon as possible so that appropriate permits or authorization may be issued expeditiously.

#### C. TASK ASSIGNMENTS

##### Local

1. The local government has primary responsibility for the removal of debris following an emergency and/or a disaster.
2. Private contractors and city public works departments will be used before state resources are requested.
3. Local law enforcement organizations (sheriff and city police) should assist in providing for a law enforcement presence as needed. This includes a presence at temporary dumps and/or on private property as needed to prevent pilfering and looting.

##### State

1. The Division of Highways has primary responsibility for debris removal and coordinating such work done by other agencies. DOH will remove debris from local public and private property only when the debris poses a threat to life or property.
2. The Department of Health and Human Resources advises on health hazards arising from debris and assists with the condemnation process.
2. The Department of Agriculture may provide advice for debris removal of farmlands, crops and livestock upon request.
4. The Adjutant General's Office may provide manpower and equipment for debris removal when the Governor activates the National Guard.
5. The WV Office of Emergency Services monitors debris removal actions and coordinates requests for state assistance.
6. The West Virginia Soil Conservation Agency removes debris from streams and waterways of the state.

7. The Division of Environmental Protection works with and regulates landfills and contracts with private contractors for solid waste and hazardous waste problems and issue wildlife reviews for environmental impact. They also obtain waivers of “tipping fees” when requested.
8. The Division of Natural Resources/Public Land Corporation issues permits for stream disturbance; and wildlife reviews for environmental impact.
9. The State Fire Marshal’s Office has the responsibility for condemnation procedures for destroyed structures.
10. The WV Parkways, Economic Development and Tourism Authority provides manpower and equipment for the transport of debris to landfills when needed.

#### Federal

1. The US Army Corps of Engineers is responsible for the removal of debris from the navigable rivers and from the lock and dam system to avoid future problems.
2. The U. S. Coast Guard governs commercial traffic along navigable waterways.

#### D. AUTHORITIES AND REFERENCES

1. West Virginia Code, Chapter 15, Article 5, as amended
2. West Virginia Code, Chapter 17, Article 2A, Section 8, as amended
3. West Virginia Code, Chapter 22, Article 5 and 5A, as amended
4. West Virginia Code, Chapter 20, Article 1
5. West Virginia Code, Chapter 29, Article 3, as amended
6. PL 93-288, Section 403, Title 44
7. Code of Federal Regulations, Title 44, Part 206.224
8. West Virginia Division of Highways Emergency Procedures